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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,596	08/22/2003	Mojtaba Shariat	Shariat 8-1 (LCNT/125128)	9799

46363 7590 12/09/2008

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EXAMINER	
NGUYEN, BRIAN D	

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
12/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,596	SHARIAT ET AL.	
	Examiner	Art Unit	
	BRIAN D. NGUYEN	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *20-24* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the appeal brief filed on 8/19/08, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 7-14, 16-19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kekki (2005/0286528) in view of Neulist et al (2004/0208132).

Regarding claim 1, Kekki discloses a communication system for transporting Internet protocol-formatted communications over a Universal Mobile Telecommunications System (UMTS) wireless communications system, the communication system including a base station

and a radio network controller (figures 1 and 3), the communication system further comprising: an inter-working gateway (Inter-working function (IWF) in paragraph 0021) adapted for interconnection to the radio network controller and the base station (paragraphs 0036 and 0037), the inter-working gateway being adapted to communicate via Internet transport protocols and UMTS-based transport protocols (paragraphs 0036 and 0037 where RNC uses ATM protocol and Base station uses IP protocol. See also movable network protocol layer and transport protocol layer in figure 2). Kekki does not specifically disclose the inter-working gateway being further adapted to reformat communications with movable UMTS-based radio-controlled network layer protocols for transport to the radio network controller and to reformat communications with movable Internet radio-controlled network layer protocols for transport to the base station. However, an inter-working gateway performing reformatting is well known in the art. Neulist discloses an inter-working gateway (figure 1) that reformats (converting or transcoding) the ATM traffic into a real-time transport protocol (RTP), user datagram protocol (UDP), internet protocol (IP) or other protocol that is appropriate for packet data network (paragraph 0054). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to reformat the traffic as taught by Neulist in the system of Kekki so that different network elements with different protocols can communicate with each other.

Regarding claims 2 and 11, Kekki disclose the UMTS communications system exists at an installed site (figure 4).

Regarding claims 3 and 12, Kekki discloses the inter-working gateway is supplied as pre-installed with the transport protocols (figure 4).

Regarding claims 4 and 13, Kekki disclose the inter-working gateway is adapted to receive and download the radio-controlled network layer protocols and the transport protocols from the base station (figure 4).

Regarding claims 5 and 14, Kekki discloses the base station and the inter-working gateway are interconnected in a local area network (base station and inter-working gateway are directly connected to form a LAN).

Regarding claims 7-9 and 16-18, Kekki disclose all the claimed subject matter as described in previous paragraphs except for reformatting. Neulist discloses reformatting (paragraph 0054). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to reformat the traffic as taught by Neulist in the system of Kekki so that different network elements with different protocols can communicate with each other.

Regarding claim 10, Kekki discloses a Node-B base station adapted for transmitting and receiving cellular telephone communications, the Node-B base station being interconnected with the radio network controller for exchanging wireless cellular telephone communications (see Node B in figure 3).

Regarding claim 19, Kekki discloses an inter-working gateway (Inter-working function (IWF) in paragraph 0021) for wirelessly transporting Internet protocol-formatted communications in a Universal Mobile Telecommunications System (UMTS) communications system, the inter-working gateway comprising: means for communicating via Internet transport protocols and UMTS-based transport protocols (paragraphs 0036 and 0037 where RNC uses ATM protocol and Base station uses IP protocol. See also movable network protocol layer and

transport protocol layer in figure 2). Kekki does not specifically disclose reformatting communications using movable UMTS-based transport protocols for transport to a radio network controller; and reformatting communications using movable Internet radio-controlled network layer protocols from the radio network controller to the inter-working gateway. However, an inter-working gateway performing reformatting is well known in the art. Neulist discloses an inter-working gateway (figure 1) that reformats (converting or transcoding) the ATM traffic into a real-time transport protocol (RTP), user datagram protocol (UDP), internet protocol (IP) or other protocol that is appropriate for packet data network (paragraph 0054). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to reformat the traffic as taught by Neulist in the system of Kekki so that different network elements with different protocols can communicate with each other.

Regarding claim 25, claim 25 is a method claim that has substantially all the limitations of the respective apparatus claim 19. Therefore, it is subject to the same rejection.

4. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kekki in view of Neulist as applied to claims 1 and 10 above, and further in view of Verma et al (2005/0210154).

Regarding claims 6 and 15, Kekki does not specifically disclose the communications system comprising elements such as SDRAM memory, a digital signal processor and associated flash memory and an application specific integrated circuit to manage baseband processing, and a microprocessor. However, a UMTS that includes these elements are well known in the art Verma discloses a UMTS system that includes those elements (see, for example, paragraph 0016). Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to include memory and processors as taught by Verma in the system of Kekki in order to store and process information when needed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN D. NGUYEN whose telephone number is (571)272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/8/08

/Brian D Nguyen/
Primary Examiner, Art Unit 2416